

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

SONTAY T. SMOTHERMAN,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

**Civ. No. 2:14-cv-972
Crim. No. 2:12-cr-055(3)
Judge Frost
Magistrate Judge King**

ORDER

On April 24, 2015, the Magistrate Judge denied Petitioner's *Motion for Discovery*, ECF No. 281, and recommended that Petitioner's *Motion for Summary Judgment*, ECF No. 276, and *Motion for Relief from Judgment*, ECF No. 280, be denied and that the *Motion to Vacate* pursuant to 28 U.S.C. § 2255, ECF No. 270, be dismissed. *Order and Report and Recommendation*, ECF No. 287. On May 6, 2015, this Court denied Petitioner's objections to the recommendation and dismissed *the Motion to Vacate. Order*, ECF No. 291. On May 11, 2015, the Court denied Petitioner's amended objections to the recommendation, denied Petitioner's *Motion for Plain Error Review to Report and Recommendation* and denied Petitioner's motion to reconsider the Magistrate Judge's denial of Petitioner's request to conduct discovery, *Order*, ECF No. 295, and on May 15, 2015, the Court denied Petitioner's subsequent motion to reconsider. *Order*, ECF No. 296. This matter is now before the Court on Petitioner's May 18, 2015 *Motion for Relief from Judgment*, ECF No. 300, and on Petitioner's May 19, 2015 motion for reconsideration of the Court's May 11, 2015 *Order. Motion for Reconsideration*, ECF No. 301.

In his most recent motions, Petitioner complains that the Court dismissed the action on May 6, 2015, prior to the filing of Petitioner's amended objections to the Magistrate Judge's recommendation. However, the Court considered Petitioner's amended objections in its May 11, 2015 *Order*, ECF No. 295.

Nothing stated in Petitioner's most recent motions persuades the Court that its prior orders, and the dismissal of this action under 28 U.S.C. § 2255, were erroneous.

Petitioner's *Motion for Relief from Judgment*, ECF No. 300, and Petitioner's *Motion for Reconsideration*, ECF No. 301, are therefore **DENIED**.

/s/ GREGORY L. FROST
GREGORY L. FROST
United States District Judge